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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/555,851

11/07/2005

Lambert Hubert Agustin Jacobs

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

KANAAN, SIMON P

ART UNIT

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4148

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/555,851	<b>Applicant(s)</b> JACOBS, LAMBERT HUBERT AGUSTIN	
	<b>Examiner</b> SIMON KANAAN	<b>Art Unit</b> 4148	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☒ Claim(s) 15 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/7/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The instant application having Application No. 10/555851 filed on 11/07/2005 is presented for examination by the examiner.

### **Examiner Notes**

2. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### **Oath/Declaration**

3. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

### **Priority**

4. As required by **M.P.E.P. 201.14(c)**, acknowledgement is made of applicant's claim for priority based on applications filed on 05/08/2003 (60/469059 US).

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

**Drawings**

5. The applicant's drawings submitted are acceptable for examination purposes.

**Information Disclosure Statement**

6. The information disclosure statement (IDS) submitted on 11/7/2005 has been acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

**Specification**

7. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

8. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

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- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A  
“Sequence Listing” is required on paper if the application discloses a  
nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if  
the required “Sequence Listing” is not submitted as an electronic  
document on compact disc).

### **Claim Objections**

9. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 12 discloses “pre-storing in a non-volatile memory accessed by said control component, a pre-set authentication information corresponding to said specified at least one QoS parameter.” Which is the same limitation as: “wherein said pre-set authentication information is at least one pre-set authentication information corresponding to said at least one QoS parameter.”

10. Claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 23 discloses “wherein said pre-set authentication information is at least one pre-set authentication information corresponding to each at least one QoS parameter.” Which is the same

limitation as: “wherein said pre-set authentication information is at least one pre-set authentication information corresponding to each at least one QoS parameter.”

11. Appropriate correction is required.

**Claim Rejections - 35 USC § 112**

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1 and 3, the limitation "obviously non-operational level" (lines 13 and 9 respectively) render these claims as vague and indefinite. It is not clear to the examiner what the applicant refers to as obvious. It appears to the examiner that applicants refer to “obviously non-operational” as “non-operational” therefore, applicants might consider amending claims 1 and 3 to read – **non-operational** – in line 13 and 9 respectively.

**Claim Rejections - 35 USC § 102**

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1, 2, 3, 8, 12, 13, 14, 15, 16, 17, 23, 24, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Foster et al. (W01992/21081).

As per claims 1, Foster discloses “An apparatus for controlling the level of at least one quality of service parameter of an electronic device” (*page 1, lines 1 and 2, the computer is the electronic device and the suspend/resume capability is a quality of service control*):

“a processor” (*page 37, line 8, also figure 1, label 31*) “that, for said at least one QoS parameter” (*the QoS parameter is the availability of the computer to the user*) “executes a corresponding sequence of authentication instructions” (*page 48, lines 26-28, and Figure 14b Label 728*) “having at least one pre-set authentication information” (*page 48, lines 23-25, and Figure 15, Label 763, the password is the preset authentication information*), “whenever said electronic device has entered a reduced power model suspend mode a predetermined number of times” (*Figures 14a and 14b are representing the resume routine which is used every time the processor exits from the reduced power mode or suspend mode, the predetermined number of times is 1*);

“a memory” (*the memory of the computer*) “coupled to said processor, said memory storing said sequence of authentication instructions” (*Figure 3, Label 491, the resume handler is a power management interrupt signal handler*) “and said at least one pre-set authentication information” (*Figure 15, Label 763, the password is the pre-set*

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*authentication information*) “corresponding to said at least one QoS parameter,” *(the QoS parameter is the availability of the computer to the user)*

“wherein, said at least one sequence of authentication instructions accepts an externally input authentication information” *(Figure 14b, Label 728, password is input)*, “validates said externally input authentication information” *(Figure 14b, Label 729, validates password)* “using said stored at least one pre set information” *(Figure 15, Label 763, stores password)* “and locks said at least one QoS parameter to an obviously non-operational level if the validation fails” *(the functionality is now only to accept a password)* “and unlocks said at least one QoS parameter to an operational level if said validation is successful” *(Figure 14b, Label 729, validates password and resumes power to the components upon validation)*.

As per claim 2, Foster discloses “The apparatus of claim 1, wherein said apparatus is packaged as one of the group consisting of microcomputer, digital signal processor (DSP), application-specific integrated circuit (ASIC), Programmable Logic Device (PLD), field programmable gate array (FPGA), and electronic subsystem.” *(page 1, lines 1 and 2, the computer is the electronic device which is a microcomputer)*.

As per claim 3, Foster discloses “A method for preventing theft and verifying ownership of an electronic device, comprising the steps of: locking at a low level at least one quality of service (QoS) parameter of the electronic device;” *(page 48, lines 26- 28, and Figure 14b Label 728, processor requests validates and accepts password*



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*if correct, if that is the case it unlocks the system and restores functionality and power to the different components, when device is locked it turns off the functionality to components of the device by cutting the power supply, according the specification "lock" at low level at least one quality of service means device can be considered non functional)* "accepting authentication information corresponding to the locked QoS parameter; and unlocking the locked QoS parameter to an operational level when the accepted authentication information is validated against a pre-set authentication information, *(Figure 15, Label 763, the password is the pre-set authentication information)* wherein, the locking at a low level of the at least one QoS parameter results in the electronic device being obviously non-operational for at least one intended purpose of the electronic device thereby rendering the electronic device undesirable as a theft target, *(the functionality is now only to accept a password)* and wherein unlocking said at least one QoS parameter verifies ownership of the electronic device *(Figure 14b, Label 729, validates password)*.

As per claim 8, Foster discloses "The method of claim 3, wherein said locking step is performed when the electronic device enters a low-power level." *(page 43, line 37 through page 44, line 6, power is turned off to most circuits, and page 44, lines 14 through 20, resume allows processor to restore power to its internal circuitry bringing it back to normal state, not locked any more)*

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As per claim 12, Foster discloses “The method of claim 8, further comprising the steps of:

providing a control component that controls operation of said at least one QoS parameter, said control component being selected from the group consisting of microprocessor, digital signal processor (DSP) or application-specific integrated circuit (ASIC), programmable logic device (PLD), field programmable gate array (FPGA), wherein the provided control component is selected from the group consisting of an existing component of the electronic device (*page 3, line 10, electronic device which is the computer contains a microprocessor with different degrees of accessibility*) and an additional control component; (*page 44, line 1 through 5, control circuitry used to detect conditions for resume*)

specifying said at least one QoS parameter as at least one internal clock frequency of said control component; (*page 13, lines 33 through 39, clock frequency can be set*) and

pre-storing in a non-volatile memory accessed by said control component, a pre-set authentication information corresponding to said specified at least one QoS parameter. (*page 18, lines 19 through 27, processor stores password, configuration information and set-up information in RAM and ROM, Ram in non-volatile memory*)

As per claim 13, Foster discloses “The method of claim 12, wherein said non-volatile memory is internal to said control component.” (*page 18, lines 19 through 27,*

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*processor stores password, configuration information and set-up information in RAM and ROM)*

As per claim 14, Foster discloses “The method of claim 12, wherein said non-volatile memory is external to said control component.” (*page 18, lines 28 through 37, flash RAM in non-volatile memory external to the processor which contains additional information*)

As per claim 15, Foster discloses “The method of claim 12, wherein said pre-set authentication information is at least one pre-set authentication information corresponding to said at least one QoS parameter.” (*page 18, lines 19 through 27, processor stores password, configuration information and set-up information in RAM and ROM, Ram in non-volatile memory*)

As per claim 16, Foster discloses “The method of claim 12, wherein said control component has an external frequency that cannot be driven up to render the electronic device operational for at least one intended function.” (*page 14, lines 3 through 14, the cpu sends signals to different electronic components such as the hard drive and floppy disk drive. page 43 lines 28 through page 44 line6, when the device is locked power is turned off from electronic components including the hard drive and wont turn on until the resume control circuitry detects the conditions for a resume*)

As per claim 17, Foster discloses “The method of claim 12, wherein said locking step further comprises the step of using at least one component selected from the group consisting of a phase-locked loop (PLL) and a clock divider to lower said at least one internal clock frequency.” *(page 43 line 37 through page 44 line 6, cpu turns power off most of its circuits and stays in this phase till it detects conditions for a resume and page 13, lines 33 through 39, the cpu clock frequency can be set.)*

As per claim 23, Foster discloses “The method of claim 3, further comprising the steps of: providing a control component that controls operation of said at least one QoS parameter, said control component being selected from the group consisting of microprocessor, digital signal processor (DSP) or application-specific integrated circuit (ASIC), programmable logic device (PLD), field programmable gate array (FPGA), wherein the provided control component is selected from the group consisting of an existing component of the electronic device *(page 3, line 10, electronic device which is the computer contains a microprocessor with different degrees of accessibility)* and an additional control component; *(page 44, line 1 through 5, control circuitry used to detect conditions for resume)*

specifying said at least one QoS parameter is at least one internal clock frequency of said control component; *(page 13, lines 33 through 39, clock frequency can be set)* and

pre-storing in a non-volatile memory said pre-set authentication information corresponding to said at least one QoS parameter internally to said control component.”

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*. (page 18, lines 19 through 27, processor stores password, configuration information and set-up information in RAM and ROM, Ram in non-volatile memory)*

As per claim 24, Foster discloses “The method of claim 23, wherein said pre-set authentication information is at least one pre-set authentication information corresponding to each at least one QoS parameter.” *(page 18, lines 19 through 27, processor stores password, configuration information and set-up information in RAM and ROM, Ram in non-volatile memory)*

As per claim 25, Foster discloses “The method of claim 23, wherein said control component has an external frequency that cannot be turned-up to render the electronic device operational for at least one intended function.” *(page 14, lines 3 through 14, the cpu sends signals to different electronic components such as the hard drive and floppy disk drive. page 43 lines 28 through page 44 line6, when the device is locked power is turned off from electronic components including the hard drive and wont turn on until the resume control circuitry detects the conditions for a resume)*

As per claim 26, Foster discloses “The method of claim 23, wherein said locking step further comprises the step of using a component selected from the group consisting of a phase-locked loop (PLL) and a clock divider to lower said at least one internal clock frequency.” *(page 43 line 37 through page 44 line 6, cpu turns power off*

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*most of its circuits and stays in this phase till it detects conditions for a resume and  
page 13, lines 33 through 39, the cpu clock frequency can be set.)*

**Claim Rejections - 35 USC § 103**

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4, 5, 6, 9, 10, 18, 19, 20, 21, 27, 28, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Naghshineh et al. (IEEE Communication Magazine, IEEE Service Center. Piscataway, N.J., US, vol 35, no 11, 1 November 1997, pages 72-81, XP000723638, ISSN: 0163-6804).

As per claim 4, Foster discloses "The method of claim 3", but fails to disclose expressly "wherein said electronic device is a television set having a color display screen and said at least one QoS parameter is selected from the group consisting of color-depth, pixel resolution, and frame-rate of the display screen."

Naghshineh discloses "wherein said electronic device is a television set having a color display screen and said at least one QoS parameter is selected from the group consisting of color-depth, pixel resolution, and frame-rate of the display screen."(page

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*74, right hand column, lines 41-43, the frame rate of the video stream is scaled, it is known in the art that a television set plays a video stream)*

Foster and Naghshineh are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of scaling a video stream as described by Naghshineh which involves controlling the quality of service parameters with the method of preventing theft and verifying ownership of an electronic device as taught by Foster which also controls the quality of service parameters because by controlling and degrading the additional quality of service parameters whose importance is identified by Naghshineh (*Naghshineh, page 72, left hand column paragraphs 1 and 2*) it would be possible deter theft by making the electronic device less desirable by having it run in protected mode (*Foster, page 1, lines 4 through 13*).

As per claim 5, Foster discloses "The method of claim 3," but fails to disclose expressly "wherein said electronic device is a sound producing electronic device and said at least one QoS parameter is a quality of the produced sound."

Naghshineh discloses "wherein said electronic device is a sound producing electronic device and said at least one QoS parameter is a quality of the produced sound." (*Naghshineh, page 74, right hand column, lines 41-43, it is known in the art that a video stream contains audio and hence is produced by a sound producing electronic device*)

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Foster and Naghshineh are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of scaling a video stream as described by Naghshineh which involves controlling the quality of service parameters with the method of preventing theft and verifying ownership of an electronic device as taught by Foster which also controls the quality of service parameters because by controlling and degrading the additional quality of service parameters whose importance is identified by Naghshineh (*Naghshineh, page 72, left hand column paragraphs 1 and 2*) it would be possible deter theft by making the electronic device less desirable by having it run in protected mode (*Foster, page 1, lines 4 through 13*).

As per claim 6, Foster in view of Naghshineh discloses "The method of claim 5," but fails to disclose expressly "wherein said sound producing electronic device is selected from the group consisting of stereo radio, stereo cassette player, stereo CD/DVD player, MP3-player, an audio player with a Hard Disk Drive, and a solid-state audio player." (*Naghshineh, page 74, right hand column, lines 41-43, the frame rate of the video stream is scaled, it is known in the art that a dvd player plays a video stream*)

As per claim 9, Foster discloses "The method of claim 8," but fails to disclose expressly "wherein said electronic device is a television set having a color display



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screen and said at least one QoS parameter is selected from the group consisting of color-depth, pixel resolution, and frame-rate of the display screen."

Naghshineh discloses "wherein said electronic device is a television set having a color display screen and said at least one QoS parameter is selected from the group consisting of color-depth, pixel resolution, and frame-rate of the display screen."

*(Naghshineh , page 74, right hand column, lines 41-43, it is known in the art that a television set plays a video stream)*

Foster and Naghshineh are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of scaling a video stream as described by Naghshineh which involves controlling the quality of service parameters with the method of preventing theft and verifying ownership of an electronic device as taught by Foster which also controls the quality of service parameters because by controlling and degrading the additional quality of service parameters whose importance is identified by Naghshineh *(Naghshineh, page 72, left hand column paragraphs 1 and 2)* it would be possible deter theft by making the electronic device less desirable by having it run in protected mode *(Foster, page 1, lines 4 through 13)*.

As per claim 10, Foster discloses "The method of claim 8," but fails to disclose expressly "wherein said electronic device is a sound producing device selected from the group 'consisting of stereo radio, stereo cassette player, stereo CD/DVD player, MP3-

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player, an audio player with a Hard Disk Drive, or solid-state audio player and said at least one QoS parameter is quality of sound.”

Naghshineh discloses “wherein said electronic device is a sound producing device selected from the group 'consisting of stereo radio, stereo cassette player, stereo CD/DVD player, MP3-player, an audio player with a Hard Disk Drive, or solid-state audio player and said at least one QoS parameter is quality of sound.” (Naghshineh, *page 74, right hand column, lines 41-43, the frame rate of the video stream is scaled, it is known in the art that a dvd player plays a video stream*)

Foster and Naghshineh are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of scaling a video stream as described by Naghshineh which involves controlling the quality of service parameters with the method of preventing theft and verifying ownership of an electronic device as taught by Foster which also controls the quality of service parameters because by controlling and degrading the additional quality of service parameters whose importance is identified by Naghshineh (*Naghshineh, page 72, left hand column paragraphs 1 and 2*) it would be possible deter theft by making the electronic device less desirable by having it run in protected mode (*Foster, page 1, lines 4 through 13*).

As per claim 18, Foster discloses “The method of claim 12,” but fails to disclose expressly “wherein said control component is a graphics chip controlling a display

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screen and said QoS parameter is selected from the group consisting of color-depth, pixel resolution, and frame-rate of the display screen.”

Naghshineh discloses “wherein said control component is a graphics chip controlling a display screen and said QoS parameter is selected from the group consisting of color-depth, pixel resolution, and frame-rate of the display screen.”

*(Naghshineh, page 74, right hand column, lines 41-43, the frame rate of the video stream is scaled, it is known in the art that a graphics chip plays a video stream)*

Foster and Naghshineh are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of scaling a video stream as described by Naghshineh which involves controlling the quality of service parameters with the method of preventing theft and verifying ownership of an electronic device as taught by Foster which also controls the quality of service parameters because by controlling and degrading the additional quality of service parameters whose importance is identified by Naghshineh *(Naghshineh, page 72, left hand column paragraphs 1 and 2)* it would be possible deter theft by making the electronic device less desirable by having it run in protected mode *(Foster, page 1, lines 4 through 13)*.

As per claim 19, Foster discloses “The method of claim 12,” but fails to disclose expressly “wherein said electronic device is a television set having a color display

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screen and said QoS parameter is selected from the group consisting of color-depth, pixel resolution, and frame-rate of the display screen.”

Naghshineh discloses "wherein said electronic device is a television set having a color display screen and said QoS parameter is selected from the group consisting of color-depth, pixel resolution, and frame-rate of the display screen." (Naghshineh, *page 74, right hand column, lines 41-43, the frame rate of the video stream is scaled, it is known in the art that a television set plays a video stream*)

Foster and Naghshineh are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of scaling a video stream as described by Naghshineh which involves controlling the quality of service parameters with the method of preventing theft and verifying ownership of an electronic device as taught by Foster which also controls the quality of service parameters because by controlling and degrading the additional quality of service parameters whose importance is identified by Naghshineh (*Naghshineh, page 72, left hand column paragraphs 1 and 2*) it would be possible deter theft by making the electronic device less desirable by having it run in protected mode (*Foster, page 1, lines 4 through 13*).

As per claim 20, Foster discloses "The method of claim 12," but fails to disclose expressly "wherein said electronic device is a sound producing device and said at least one QoS parameter is a quality of the produced sound."

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Naghshineh discloses “wherein said electronic device is a sound producing device and said at least one QoS parameter is a quality of the produced sound.”

*(Naghshineh, page 74, right hand column, lines 41-43, it is known in the art that a video stream contains audio and hence is produced by a sound producing electronic device)*

Foster and Naghshineh are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of scaling a video stream as described by Naghshineh which involves controlling the quality of service parameters with the method of preventing theft and verifying ownership of an electronic device as taught by Foster which also controls the quality of service parameters because by controlling and degrading the additional quality of service parameters whose importance is identified by Naghshineh *(Naghshineh, page 72, left hand column paragraphs 1 and 2)* it would be possible deter theft by making the electronic device less desirable by having it run in protected mode *(Foster, page 1, lines 4 through 13)*.

As per claim 21, Foster in view of Naghshineh discloses “The method of claim 20, wherein said sound producing electronic device is selected from the group consisting stereo radio, stereo cassette player, stereo CD/DVD player, MP3-player, an audio player with a Hard Disk Drive, or solid-state audio player.” *(Naghshineh, page 74, right hand column, lines 41-43, the frame rate of the video stream is scaled, it is known in the art that a dvd player plays a video stream)*

As per claim 27, Foster discloses “The method of claim 23,” but fails to disclose expressly “wherein said control component is a graphics chip controlling a display screen and said QoS parameter is selected from the group consisting of color-depth, pixel resolution, and frame-rate of the display screen.” (Naghshineh, *page 74, right hand column, lines 41-43, the frame rate of the video stream is scaled, it is known in the art that a graphics chip plays a video stream*)

Naghshineh discloses “wherein said control component is a graphics chip controlling a display screen and said QoS parameter is selected from the group consisting of color-depth, pixel resolution, and frame-rate of the display screen.” (Naghshineh, *page 74, right hand column, lines 41-43, the frame rate of the video stream is scaled, it is known in the art that a graphics chip plays a video stream*)

Foster and Naghshineh are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of scaling a video stream as described by Naghshineh which involves controlling the quality of service parameters with the method of preventing theft and verifying ownership of an electronic device as taught by Foster which also controls the quality of service parameters because by controlling and degrading the additional quality of service parameters whose importance is identified by Naghshineh (*Naghshineh, page 72, left hand column paragraphs 1 and 2*) it would be

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possible deter theft by making the electronic device less desirable by having it run in protected mode (*Foster*, page 1, lines 4 through 13).

As per claim 28, Foster discloses “The method of claim 23,” but fails to disclose expressly “wherein said electronic device is a television set having a color display and said QoS parameter is selected from the group consisting of color depth, pixel resolution, and frame-rate of the display screen.”

Naghshineh discloses “wherein said electronic device is a television set having a color display and said QoS parameter is selected from the group consisting of color depth, pixel resolution, and frame-rate of the display screen.” (*Naghshineh*, page 74, right hand column, lines 41-43, *the frame rate of the video stream is scaled, it is known in the art that a television set plays a video stream*)

Foster and Naghshineh are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of scaling a video stream as described by Naghshineh which involves controlling the quality of service parameters with the method of preventing theft and verifying ownership of an electronic device as taught by Foster which also controls the quality of service parameters because by controlling and degrading the additional quality of service parameters whose importance is identified by Naghshineh (*Naghshineh*, page 72, left hand column paragraphs 1 and 2) it would be

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possible deter theft by making the electronic device less desirable by having it run in protected mode (*Foster*, page 1, lines 4 through 13).

As per claim 29, Foster discloses “The method of claim 23,” but fails to disclose expressly” wherein said electronic device is a sound producing device and said at least one QoS parameter is a quality of the produced sound.”

Naghshineh discloses “The method of claim 23, wherein said electronic device is a sound producing device and said at least one QoS parameter is a quality of the produced sound.” (*Naghshineh*, page 74, right hand column, lines 41-43, it is known in the art that a video stream contains audio and hence is produced by a sound producing electronic device)

Foster and Naghshineh are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of scaling a video stream as described by Naghshineh which involves controlling the quality of service parameters with the method of preventing theft and verifying ownership of an electronic device as taught by Foster which also controls the quality of service parameters because by controlling and degrading the additional quality of service parameters whose importance is identified by Naghshineh (*Naghshineh*, page 72, left hand column paragraphs 1 and 2) it would be possible deter theft by making the electronic device less desirable by having it run in protected mode (*Foster*, page 1, lines 4 through 13).



As per claim 30, Foster in view of Naghshineh discloses “The method of claim 29, wherein said sound producing device is selected from the group consisting of stereo radio, stereo cassette player, stereo CD/DVD player, MP3-player, an audio player with a Hard Disk Drive, or solid-state audio player.” (Naghshineh, *page 74, right hand column, lines 41-43, the frame rate of the video stream is scaled, it is known in the art that a dvd player plays a video stream*)

18. Claims 7, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Epstein et al. (GB 2361609 A).

As per claims 7, Foster discloses “The method of claim 3,” but fails to disclose expressly “wherein said electronic device is a modem and said at least one QoS parameter is selected from the group consisting of speed of transmission, bandwidth, number of channels, and signal-to-noise ratio.”

Epstein discloses “wherein said electronic device is a modem and said at least one QoS parameter is selected from the group consisting of speed of transmission, bandwidth, number of channels, and signal-to-noise ratio.” (*page 3, lines 5 through 13, it is well known in the art to use modems for transmission over the web*)

Foster and Epstein are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the quality of service parameters for a modem as described by Epstein with the method of preventing theft and verifying ownership of an electronic device as taught by Foster because by controlling and degrading the additional quality of service parameters whose importance is identified by Epstein (*Epstein, page 3, lines 1 through 13*) it would be possible deter theft by making the electronic device less desirable by having it run in protected mode (*Foster, page 1, lines 4 through 13*).

As per claim 11, Foster discloses “The method of claim 8,” but fails to disclose expressly “wherein said electronic device is a modem and said at least one QoS parameter is a speed of transmission, bandwidth, number of channels, and signal-to-noise ratio.”

Epstein discloses “The method of claim 8, wherein said electronic device is a modem and said at least one QoS parameter is a speed of transmission, bandwidth, number of channels, and signal-to-noise ratio.” (*Epstein, page 3, lines 5 through 13, it is well known in the art to use modems transmission over the web*)

Foster and Epstein are analogous art because they are from the same field of endeavor of portable electronic devices.

Foster and Epstein are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the quality of service parameters for a modem as described by

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Epstein with the method of preventing theft and verifying ownership of an electronic device as taught by Foster because by controlling and degrading the additional quality of service parameters whose importance is identified by Epstein (*Epstein, page 3, lines 1 through 13*) it would be possible deter theft by making the electronic device less desirable by having it run in protected mode (*Foster, page 1, lines 4 through 13*).

19. Claims 22, 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view Naghshineh in further view of Epstein et al.

As per claim 22, Foster in view of Naghshineh discloses “The method of claim 12,” but fails to disclose expressly “wherein said electronic device is a modem and said at least one QoS parameter is a speed of transmission, bandwidth, number of channels, and signal-to-noise ratio.”

Epstein discloses “wherein said electronic device is a modem and said at least one QoS parameter is a speed of transmission, bandwidth, number of channels, and signal-to-noise ratio.” (*Epstein, page 3, lines 5 through 13, it is well known in the art to use modems transmission over the web*)

Foster, Naghshineh and Epstein are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the quality of service parameters for a modem as described by Epstein with the method of preventing theft and verifying ownership of an electronic

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device as taught by Foster in view of Naghshineh because by controlling and degrading the additional quality of service parameters whose importance is identified by Epstein (*Epstein, page 3, lines 1 through 13*) and Naghshineh (*Naghshineh, page 72, left hand column paragraphs 1 and 2*) it would be possible deter theft by making the electronic device less desirable by having it run in protected mode (*Foster, page 1, lines 4 through 13*).

As per claim 31, Foster in view of Naghshineh discloses “The method of claim 23,” but fails to disclose expressly “wherein said electronic device is a modem and said at least one QoS parameter is selected from the group consisting of speed of transmission, bandwidth, number of channels, and signal-to-noise ratio.”

Epstein discloses “wherein said electronic device is a modem and said at least one QoS parameter is selected from the group consisting of speed of transmission, bandwidth, number of channels, and signal-to-noise ratio.” (*Epstein, page 3, lines 5 through 13, it is well known in the art to use modems transmission over the web*)

Foster, Naghshineh and Epstein are analogous art because they are from the same field of endeavor of controlling the quality of service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the quality of service parameters for a modem as described by Epstein with the method of preventing theft and verifying ownership of an electronic device as taught by Foster in view of Naghshineh because by controlling and degrading the additional quality of service parameters whose importance is identified by Epstein

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*(Epstein, page 3, lines 1 through 13) and Naghshineh (Naghshineh, page 72, left hand column paragraphs 1 and 2) it would be possible deter theft by making the electronic device less desirable by having it run in protected mode (Foster, page 1, lines 4 through 13).*

### **Conclusion**

20. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **MPEP 707.05(c)**.

The following reference teaches execution of trial data

US 2002/0009149 A1

US 6438594 B1

US 2001/0032319 A1

US 6643781 B1

US 5889866

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Kanaan whose telephone number is (571) 270-3906. The examiner can normally be reached on Monday to Friday 8:30 AM to 5:00 PM.

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If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Thomas Pham, can be reached at the following telephone number: (571) 272-3689.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 20, 2008

Simon Kanaan  
Examiner  
Art Unit 4148

SPK

/Thomas K Pham/  
Supervisory Patent Examiner, Art Unit 4148